

IN THE CIRCUIT COURT OF THE FOURTH JUDICIAL CIRCUIT  
IN AND FOR DUVAL COUNTY, FLORIDA

THIS INSTRUMENT  
IN COMPUTER

HUGH COTNEY, as  
Attorney Ad Litem for  
JANE DOE, a minor  
child,

CASE NO.: 16-2008-CA-010332

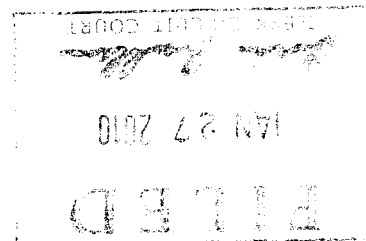
Plaintiff,

DIVISION: CV-F

vs.

RICHARD L. TYLSKI, an  
individual, JANE M.  
TYLSKI, an individual,

Defendants.



**VIDEOTAPED DEPOSITION OF  
JANE M. TYLSKI**

Taken on Behalf of the Plaintiff

DATE TAKEN: Wednesday, September 30, 2009

TIME: 9:02 a.m.

PLACE: Spohrer & Dodd, P.L.  
701 West Adams Street  
Suite 2  
Jacksonville, Florida 32204

Examination of the witness taken before:

Elaine M. Wall, Professional Shorthand Reporter

**CERTIFIED  
Copy**

A P P E A R A N C E SAPPEARANCES FOR THE PLAINTIFF

ROBERT F. SPOHRER, Esquire  
HELEN W. SPOHRER, Esquire  
-and-  
ZACHARY SHAFER, Law Clerk  
Spohrer & Dodd, P.L.  
701 West Adams Street  
Suite 2  
Jacksonville, Florida 32204

APPEARANCE FOR THE DEFENDANT

Richard L. Tylski, pro se  
Jane M. Tylski, pro se  
5456 Tierra Verde Lane  
Jacksonville, Florida 32258

Jackelyn Barnard, reporter  
-and-  
Mike Bunker, Photojournalist  
WTLV/WJXX First Coast News

- - -

I N D E X

<u>WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
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JANE M. TYLSKI	6			
(By Mr. Spohrer)				

PLAINTIFF'S EXHIBIT INDEX

<u>NO.</u>	<u>DESCRIPTION</u>	<u>PAGE NO.</u>
1	Subpoena for Deposition	9
2	Medical Records	31
3	Transcript of Proceedings	34

DEFENDANT'S EXHIBIT INDEX

<u>NO.</u>	<u>DESCRIPTION</u>	<u>PAGE NO.</u>
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(No exhibits)

- - -

1 MR. TYLSKI: Can I ask you a question?

2 MR. SPOHRER: Yes, sir.

3 MR. TYLSKI: Are these reporters, news  
4 reporters?

5 MR. SPOHRER: This is going to be a  
6 videotaped deposition.

7 MR. TYLSKI: Uh-huh.

8 MR. SPOHRER: So we're videotaping it,  
9 yes, sir.

10 MR. TYLSKI: All right.

11 MRS. TYLSKI: And who are you?

12 MR. SHAFER: I'm a law clerk. My name is  
13 Zach Shafer.

14 MRS. TYLSKI: Are you supposed to be  
15 here?

16 MRS. SPOHRER: He works with our firm.

17 MR. SPOHRER: Yes, ma'am.

18 MR. SHAFER: Yes.

19 MRS. TYLSKI: Okay.

20 MR. SPOHRER: And you don't care for any  
21 water or anything, Mrs. Tylski?

22 MRS. TYLSKI: No, sir.

23 MR. SPOHRER: All right. I'll have some  
24 documents I may want to show you. Take your  
25 time to read them. If at any time you don't

1 understand any of my questions, let me know and  
2 I'll rephrase the question for you. All right?

3 MS. TYLSKI: Uh-huh.

4 MR. SPOHRER: If you need to take a  
5 break, let me know, we'll take a break. I  
6 don't think we'll be here probably more than an  
7 hour before we take a break and then if there's  
8 anything that you need to do, let me know. If  
9 you want to stretch your legs, all right?

10 The purpose of the deposition is just for  
11 us to take your testimony in this case. And if  
12 you want to refer to any documents to answer my  
13 questions, you're free to do that.

14 MR. TYLSKI: Before we start -- I'm  
15 sorry, I'm interrupting -- can I ask her name  
16 over there?

17 MS. BARNARD: Jackie Barnard.

18 MR. TYLSKI: Yeah, that's what I thought.  
19 Why is she in here?

20 MR. SPOHRER: This is an open court  
21 proceeding. There's nothing --

22 MRS. TYLSKI: But we have the right to  
23 say who can be in here if they're not in your  
24 firm.

25 MR. SPOHRER: No, ma'am, I'm afraid not.

1 This is just like if we were to do this in  
2 court. Court proceedings are open to the  
3 public and they're open to the press.

4 MR. TYLSKI: Okay.

5 COURT REPORTER: Do you want me to swear  
6 the witness?

7 MR. SPOHRER: Yeah, we can swear the  
8 witness in, please.

9 COURT REPORTER: Would you raise your  
10 right hand, please.

11 (Witness duly sworn.)

12 JANE M. TYLSKI,  
13 having been produced and first duly sworn as a  
14 witness, and having responded "Yes, I do" to the  
15 oath, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. SPOHRER:

18 Q Could you tell us your full name and  
19 address, please.

20 A Jane Tylski, 5456 Tierra Verde Lane.

21 Q And what is your date of birth, please?

22 A [REDACTED]

23 Q And your social security number?

24 A [REDACTED]

25 Q And you're married to the gentleman

1 seated here to your right?

2 A Yes, sir.

3 Q And what is his name?

4 A Richard Tylski.

5 Q How long have you-all been married?

6 A Eighteen years.

7 Q Do you have any children?

8 A Three.

9 Q And what are their names and ages,  
10 please?

11 A [REDACTED]

12 8.

13 Q And they all live with you at your home?

14 A Yes.

15 Q Where are you employed?

16 A Starbucks.

17 Q Which one?

18 A San Jose and Old St. Augustine Road.

19 Q How long have you worked there?

20 A Three years, November.

21 Q And what do you do there?

22 A I'm a shift supervisor.

23 Q What hours and days of the week do you  
24 work?

25 A I work -- it depends, on and off.

1 Q On a typical --

2 A Part-time.

3 Q -- a typical week, how many days or hours  
4 a week are you working?

5 A Twenty to thirty.

6 Q And what is your pay there?

7 A \$9.45.

8 Q That's \$9.45 an hour?

9 A Yes.

10 Q And tips?

11 A Yes.

12 Q And overtime?

13 A Yes.

14 Q Okay. What does Mr. Tylski do?

15 A He owns his own land -- well, TNT Bobcat

16 Services.

17 Q I'm sorry; T & G?

18 A TNT Bobcat Services.

19 Q And what is TNT Bobcat Services?

20 A It's a land -- it's land grading --

21 MR. TYLSKI: Construction.

22 THE WITNESS: -- construction.

23 BY MR. SPOHRER:

24 Q Okay. Is that his only employment?

25 A Yes.



1           Q     Mrs. Tylski, we're here pursuant to a  
2 subpoena for deposition, which I think was served on  
3 you on Saturday, which we've marked as the first  
4 exhibit to this deposition. Can you tell me if you  
5 have brought with you any of the documents requested  
6 in that subpoena?

7           A     Rich has what we could get together in  
8 the time frame that you've given us.

9                     (The document last-above referred to was  
10 marked for identification as Plaintiff's  
11 Exhibit No. 1.)

12 BY MR. SPOHRER:

13           Q     Okay. What document have you brought  
14 here?

15                     MR. TYLSKI: Just refer to me, I've got  
16 them.

17                     THE WITNESS: He's got them.

18 BY MR. SPOHRER:

19           Q     I'm sorry?

20           A     Richard has got them.

21           Q     Well, can -- I'm asking that he give them  
22 to you --

23           A     No. Oh.

24           Q     -- so that you can give them to me. I  
25 would like to see whatever you have.

1 MR. TYLSKI: I've got tax returns,  
2 business --

3 MR. SPOHRER: Are these copies for me?

4 MR. TYLSKI: I need them back. We're --  
5 we need to see somebody today with them.

6 MR. SPOHRER: Who do you need to see  
7 today?

8 MR. TYLSKI: A mortgage guy.

9 MR. SPOHRER: Okay. So in other words,  
10 you want me to make copies of these and give  
11 these back to you --

12 MR. TYLSKI: Yes, please.

13 MR. SPOHRER: -- before you leave today?

14 All right. Let me just -- why don't you  
15 just look through them first and then we can  
16 make copies when we take a break.

17 BY MR. SPOHRER:

18 Q Mrs. Tylski, I would like you to describe  
19 for us when you-all decided to adopt Janie. How did  
20 that -- how did that come about? How did you meet  
21 her? How did you know about her? Why did you  
22 decide to adopt a child?

23 A We always knew we wanted to adopt a  
24 child, always had it in our hearts, always knew that  
25 that was --

1 Q I'm sorry; you have to keep your voice up  
2 because I'm having a hard time hearing you.

3 A This is as loud as I can speak; I'm  
4 sorry.

5 We always knew that we were supposed to  
6 adopt a child. God put it in our hearts that we  
7 were supposed to adopt a child. And when we met  
8 Janie, we fell in love with her. A lot of people  
9 wanted to adopt her, but we knew she was supposed to  
10 be ours. I met her at her school.

11 What more do you want.

12 Q Okay. You say you knew that you were  
13 supposed to adopt a child --

14 A Uh-huh.

15 Q -- that God put that in your hearts?

16 A Uh-huh.

17 Q Yes?

18 A Yes.

19 Q Okay. You had three children of your  
20 own, three sons?

21 A Yes.

22 Q Those are -- those are your biological  
23 children; correct?

24 A Yes.

25 Q Did you want a girl in the family; is

1       that why you thought you should adopt a child?

2           A       Yes and no. I mean, we just knew we  
3       wanted to adopt.

4           Q       Okay. And when you and your husband  
5       decided you wanted to adopt, how did you go about  
6       doing that? What did -- what did you do to try and  
7       find a child to adopt?

8           A       We started with an agency out of Utah and  
9       put our application in, did that whole routine, and  
10      then started out here locally. We didn't know how  
11      soon, how far away. We heard about Janie at her  
12      school, that she needed to be adopted. Fell in love  
13      with her at first sight, got to know her, knew her  
14      situation. All the things fell in place. All -- it  
15      was basically a miracle. And that's what I'm saying  
16      about how we knew she was supposed to be ours. The  
17      fact that her name was Janie and all the little, all  
18      the little details that only a mom can --

19          Q       Okay. Well, tell about that. What was  
20      it about this child that you felt it was meant to  
21      be, that you were to adopt her?

22          A       She never had a last name and just seeing  
23      that she needed someone to love her and her little  
24      personality. She was -- just the way God put it in  
25      our hearts that when we saw her and all the little

1 things, all the little -- major obstacles that were  
2 in the way of adopting this child that had all --  
3 all the obstacles had fallen to the wayside for us  
4 to move in and -- and adopt her.

5 Q Do you feel that you had spent sufficient  
6 time with her to know her and to know what she was  
7 like before you went through with the adoption?

8 A Yes. We -- we would meet her after  
9 school and the boys had practice at the time,  
10 football practice. And we would play with her in  
11 the grass and meet her at her foster parents' house.

12 Q Uh-huh.

13 A Dinner dates, our house, their house.

14 Q Okay. Did she get along well with your  
15 sons?

16 A Loved them.

17 Q And did they get along well with her?

18 A Loved them.

19 Q Okay.

20 A They could do no wrong.

21 Q So the adoption took place April 13,

22 2004; is that right?

23 A Correct.

24 Q And she was four years old at the time?

25 A Correct.

1 Q Okay. And tell me how she became  
2 acclimated to your family and how that worked out.

3 A She -- it was like she had always  
4 belonged there. She -- she basically came right in  
5 and it was easy for her to say mommy, daddy because  
6 she was already doing that in several homes, you  
7 know, so she never knew the difference. It was --  
8 the boys, you know, were head over heels over her.  
9 My family was head over heels over her.

10 Q Uh-huh.

11 A His family all accepted her. She was  
12 spoiled, you know.

13 Q Uh-huh.

14 A She was the apple of our eye.

15 Q Uh-huh.

16 A She --

17 Q Okay.

18 A She didn't know what it was to want, you  
19 know, spiritually, mentally or physically.

20 Q Uh-huh. Did she go to church with your  
21 family?

22 A Yes.

23 Q And how did she do in school?

24 A She was an overachiever. She loved  
25 school. She loved to do homework. She loved to

1 color. She loved to play with the kids.

2 Q Okay.

3 A All her teachers loved her.

4 Q Did there come a time when there  
5 developed some behavioral problems with Janie?

6 A Just her eating issues.

7 Q Okay. Tell me about that. What were her  
8 eating issues?

9 A She -- we realized after we had adopted  
10 her that she had reverse swallow.

11 Q She had reverse swallow?

12 A Reverse swallow, where your tongue goes  
13 the opposite way when you swallow.

14 Q Okay. Explain that to me. What does  
15 that mean?

16 A That means your tongue -- I don't know if  
17 that's the medical term, but that's the term I  
18 remember the therapist saying. When you -- when --  
19 their muscle goes the opposite way when they  
20 swallow, so they have a hard time swallowing.

21 Q So that -- so that when she was eating  
22 food, she would have difficulty swallowing the food;  
23 is that what you're saying?

24 A Correct. And she was used to eating at  
25 her previous home just soft foods.

1 Q Okay. And was this a diagnosis that was  
2 made by you or by a doctor or...

3 A Her doctor.

4 Q And which doctor?

5 A Barbara -- Barbara O'Reilly.

6 Q Barbara what?

7 A O'Reilly.

8 Q Okay. And what kind of doctor is  
9 Dr. O'Reilly?

10 A A pediatrician.

11 Q Is she here in Jacksonville?

12 A Yes.

13 Q Okay. How did that affect Janie's  
14 behavior or eating?

15 A She had a hard time eating, but it didn't  
16 affect her behavior. I mean, she went through  
17 therapy. We -- first, we put her through speech  
18 therapy, you know, thinking that -- you know, that  
19 was the first thing they asked us to do is put her  
20 through speech therapy to correct the muscle.

21 Q Uh-huh. What did you do to help her  
22 overcome this eating problem?

23 A Took her to therapy as often as she could  
24 go.

25 Q Okay. And what about at home, what did



1 you do at mealtime regarding her eating?

2 A She knew what to do. She -- I mean, it  
3 was her. She would have to do it. She --

4 MR. TYLSKI: Exercises.

5 THE WITNESS: Yeah, her exercises. She  
6 had a list of exercises that she would do.

7 BY MR. SPOHRER:

8 Q Okay. Did you ever have any behavioral  
9 problems with this child?

10 A Just the defiance, you know, typical  
11 child that's going to see where her boundaries are.

12 Q Okay. Any different than the boys that  
13 you had raised?

14 A Boys and girls are completely different.

15 Q Yeah. Aside from that, though, but in  
16 raising the children did you see anything different  
17 about her and how she was growing than you had  
18 experienced with your sons?

19 A Just typical, looking for your boundary,  
20 looking where you belong, you know, where you fit in  
21 the family.

22 Q Okay. How did you discipline Janie?

23 A Spanked her, time out, took things away.

24 Q How did Mr. Tylski discipline her?

25 A Same way.

1 Q Was she ever struck?

2 A Struck as in?

3 Q Hit.

4 A Spanked, yes.

5 Q Spanked with what?

6 A Hand, belt or spoon.

7 Q Okay. And who would administer that

8 discipline?

9 A Either Rich or I.

10 Q Both of you?

11 A Uh-huh.

12 Q Yes?

13 A Yes.

14 Q Okay. And what kind of belt would you

15 strike her with?

16 A Just one of the kids' belts.

17 Q I'm sorry?

18 A Just one of the kids' belts.

19 Q One of the childrens' belts?

20 A Yes.

21 Q Okay. And what kind of a spoon would you

22 strike her with?

23 A A wooden spoon.

24 Q And where would she be spanked?

25 A On the behind.

1 Q On her backside?

2 A Behind, yes.

3 Q Was she ever struck, by you or by  
4 Mr. Tylski, anywhere other than on her backside?

5 A You know, when you spank a child, if they  
6 move, you know, it's not intentionally, if you get  
7 them in the back of the leg or, you know, above  
8 their behind, but never anywhere else.

9 Q Okay. Other than striking her with a --  
10 your hand or a spoon or a belt, was she disciplined  
11 in any other way?

12 A They had hot sauce -- they got hot sauce  
13 in their mouths for what we call potty mouth.

14 Q Tell me about that.

15 A If the kids were talking potty mouth, you  
16 know, either bad language or talking kids' dirty  
17 talk we call it, they got hot sauce in their mouth.

18 Q What type of words or things would the  
19 children say that would result in them getting hot  
20 sauce in the mouth?

21 A Talking about private parts, you know,  
22 not your typical language that you'd want to hear at  
23 home.

24 Q Okay. Just any inappropriate --

25 A Inappropriate, yes.

1 Q -- language for their age --

2 A Uh-huh.

3 Q -- you would discipline Janie by putting  
4 hot sauce in her mouth?

5 A That, she got probably two times in the  
6 two years that we were -- she was with us.

7 Q Okay. And who did this?

8 A Me.

9 Q Okay. And what kind of hot sauce was  
10 this?

11 A Like the squeeze Taco Bell sauce that  
12 comes in the packets.

13 Q Uh-huh. Okay. And was it just in her  
14 mouth?

15 A Yes.

16 Q Anywhere else?

17 A No.

18 Q Okay. Was there some issue with her hand  
19 or her fingers at some point?

20 A We found out in the hospital, yes.

21 Q What did you find out in the hospital?

22 A That she had a broken hand.

23 Q Okay. And how did that happen?

24 A We don't know. We -- first, we assumed  
25 it was from falling down the stairs. But then, when

1 they said that she had an old fracture, we didn't  
2 know where it had come from.

3 Q Okay. You mentioned the falling down the  
4 stairs. Is that one incident? How many times did  
5 she fall down the stairs?

6 A She's fallen down the stairs a few times.

7 Q A few times?

8 A But not where she's broken anything.

9 Q You have a two-story home?

10 A Yes.

11 Q Okay. And in the period of time that  
12 Janie was with you, April of '04 until March of '06,  
13 how many times did she fall down the stairs?

14 A I didn't --

15 MR. TYLSKI: Three.

16 THE WITNESS: A few times. I mean, she  
17 likes to wear her little shoes in the house. I  
18 didn't count how many times she's fallen down,  
19 but she's fallen down quite a few.

20 BY MR. SPOHRER:

21 Q Quite a few, more than ten?

22 A No.

23 MR. TYLSKI: Three.

24 THE WITNESS: I would say --

25 MR. TYLSKI: Three.

1 THE WITNESS: -- three, four times.

2 BY MR. SPOHRER:

3 Q Okay. And when she fell down the stairs,  
4 how many individual stairs did she fall down?

5 A I wasn't there to watch. I don't --

6 Q You didn't see it happen?

7 A No.

8 Q Okay. What caused her to fall down the  
9 stairs?

10 A Sometimes it was her shoes; sometimes  
11 just being clumsy.

12 Q Being clumsy how?

13 A She was just clumsy, just -- either by  
14 what her -- what shoes she was wearing or typical  
15 clumsiness.

16 Q Was she a clumsy child?

17 A She was not coordinated, but she was --  
18 so I would say she was still at that age where she's  
19 still developing.

20 Q Okay. And so in these three or four  
21 times that she fell down the stairs, did you ever  
22 witness that occurrence?

23 A I heard it. I didn't actually see it.

24 Q Okay. And when you heard it, what did  
25 you do?

1 A Went and saw if she was okay.

2 Q And was she?

3 A Yeah, typical ooies and owies type thing,  
4 no crying or anything.

5 Q Okay. Anything broken?

6 A No.

7 Q Any abrasions? Any bruises?

8 A Not that I knew of. I mean, bruises  
9 happened later. Not that I would check her later  
10 for, you know, unless she complained about  
11 something.

12 Q Okay. What about her leg? Did there  
13 come a time when her leg was broken?

14 A Yes.

15 Q And when was that?

16 A What date?

17 Q Yes. Approximately.

18 A I don't remember the date.

19 Q Okay. Was it in -- sometime in March of  
20 '06?

21 A Yes.

22 Q All right. And what happened?

23 A She had fallen down the stairs.

24 Q I'm sorry; I need you to keep your voice  
25 up a little bit louder because the court reporter

1 and I both need to hear what you're saying.

2 So it was sometime in March of '06?

3 A Yes.

4 Q And tell me what happened, please.

5 A She fell down the stairs. I did not  
6 witness it. I was in the other room.

7 Q Okay. Who was home at that time?

8 A Just her and I.

9 Q What day of the week was it?

10 A I don't know.

11 Q It was a school day?

12 A Yes.

13 Q And what was the reason she was not at  
14 school?

15 A She had thrown up.

16 Q She had thrown up?

17 A Uh-huh.

18 Q Okay. Did she have some stomach virus or  
19 was she ill or what was wrong with her?

20 A I -- I would assume it was a virus. I'm  
21 not a doctor, so I...

22 Q Okay. How long had been she been kept  
23 home because she had thrown up?

24 A Just that day. She was ready for school  
25 and threw up.



1 Q Okay. And what time of day did this  
2 happen?

3 A Before school.

4 Q I'm sorry?

5 A Oh, what time she was sick?

6 Q What time of the day did she fall? Yes,  
7 ma'am.

8 A I don't remember. It's been a long time.

9 Q Was this morning, afternoon?

10 A It was afternoon.

11 Q All right. And what was she wearing?

12 A Pajamas.

13 Q And tell me what you remember about that.

14 A About?

15 Q About what happened.

16 A She fell down. That morning, she fell  
17 down the stairs. Like, the whole story or what?

18 Q Yes. What room of the house were you in  
19 and --

20 MR. TYLSKI: In the living room,  
21 vacuuming.

22 THE WITNESS: I was in the front room,  
23 vacuuming. And when I had come around the  
24 corner, she was laying on the stairs saying,  
25 like humming, mommy, mommy, mommy, mommy, with

1 her hands through the stair trindle {sic}  
2 things.

3 BY MR. SPOHRER:

4 Q Uh-huh.

5 A So I didn't think anything of it. And I  
6 said, "What are you doing," type attitude. Walked  
7 over, picked her up. She like hobbled over to the  
8 couch. Laid her down, called Rich. He told me to  
9 ice it, 20 minutes on, 20 minutes off.

10 Q Uh-huh.

11 A And then we went from there.

12 Q Okay. When did you take her to the  
13 hospital?

14 A Later that evening, when Rich got home  
15 from work.

16 Q Okay. Did there come a time when she had  
17 a fracture to her arm?

18 A She dislocated her arm.

19 Q And when was that?

20 A I don't remember the date.

21 Q It was before this broken leg incident?

22 A Correct.

23 Q And when she fell down the steps in that  
24 incident you just described for us, she ended up  
25 going to the hospital; is that right?

1           A     Uh-huh.

2           Q     Yes?

3           A     Yes.

4           Q     And that was where she was diagnosed with

5 a broken leg?

6           A     Yes.

7           Q     Okay. Now, sometime prior to that, then

8 you -- there was a problem with her dislocating her

9 arm.

10          A     Uh-huh.

11          Q     Okay. When was that approximately?

12               MR. TYLSKI: I was in Charlotte.

13               THE WITNESS: What year was that?

14               MR. TYLSKI: '04.

15               THE WITNESS: '04.

16 BY MR. SPOHRER:

17          Q     Okay. How did happen?

18          A     She jumped over a stool in the shower.

19          Q     Jumped over a stool?

20          A     A stool.

21          Q     In the shower?

22          A     Uh-huh.

23          Q     And how did she fall?

24          A     I wasn't there. I don't know. I just

25 know she fell in the shower.

1 Q All right. Who was with her?

2 A Nobody.

3 Q She was taking a shower by herself?

4 A Uh-huh.

5 Q Okay. You have to -- what you're doing,

6 Mrs. Tylski, is what we all do in normal

7 conversation is to say uh-huh and uhn-uhn.

8 A Yes. Yes, she fell in the shower.

9 Q And this young lady is trying to make a  
10 record here.

11 A Sorry.

12 Q So it's better if you just answer yes or  
13 no, if you could. Thank you.

14 A Okay. Yes.

15 Q Thank you.

16 So she's four years old and she's taking  
17 a shower by herself?

18 A Uh-huh. Yes.

19 Q All right. And she's in the shower  
20 stepping over a stool; yes?

21 A Yes. That's what she said.

22 Q That's what she said?

23 A Uh-huh.

24 Q And she fell and dislocated her arm?

25 A Yes.

1 Q Okay. And did you take her to the  
2 hospital?

3 A Yes. I took her to a clinic, Solantic.

4 Q Okay. Is there any other incident that  
5 you're aware of when she broke any bones? We've  
6 talked about her fingers, her right leg, and her  
7 dislocated arm. Any other broken bones you're aware  
8 of?

9 A No.

10 Q Okay. Were any of those as a result of  
11 discipline administered by you or by Mr. Tylski?

12 A No.

13 Q Was there any incident in which she had a  
14 laceration to her forehead?

15 A Yes.

16 Q Tell me about that.

17 A We were all at the dinner table and our  
18 -- we have heavy -- at the time, we had heavy, metal  
19 wrought-iron chairs that have a leg on them that has  
20 a loop. And she was -- she can't move the chair out  
21 so she was climbing up into it. When she came up,  
22 she hit her forehead on the edge of the table, which  
23 is metal.

24 Q Okay. And when, approximately, did this  
25 happen?

1 A Time?

2 Q Yes.

3 A I don't remember.

4 Q All right. Did she go to the doctor for  
5 that?

6 A Yes.

7 Q What doctor did she see for that?

8 A She went to an urgent care down the  
9 street.

10 Q And what did they do for her?

11 A They stitched her up.

12 Q Okay. Did she have -- at the time you  
13 took her to the hospital in March, when she fell  
14 down the stairs, did she have any bruises to her  
15 back on that day?

16 A I -- I didn't notice them, but they said  
17 yes.

18 Q You did not notice that she had any  
19 bruises to her back?

20 A I didn't look; she had pajamas on.

21 Q Okay. How did she get those bruises?

22 A I don't know.

23 Q Were the bruises to her back the result  
24 of any discipline administered by you or Mr. Tylski?

25 A No.

1 MR. SPOHRER: We're going to mark this as  
2 Exhibit 2 to the deposition. This is a -- two  
3 pages from the medical record at the hospital.

4 (The document last-above referred to was  
5 marked for identification as Plaintiff's  
6 Exhibit No. 2.)

7 BY MR. SPOHRER:

8 Q Have you seen that, please? Have you  
9 seen that before?

10 A Oh, have I seen it? No.

11 Q You've never seen your -- this was, at  
12 the time, your daughter's medical records. You've  
13 never seen that?

14 A I don't think so.

15 Q Okay. If I may, the doctor's report a  
16 sublingual laceration; that would be a laceration  
17 under the tongue. Can you explain how that  
18 happened?

19 A No clue.

20 Q No idea?

21 A No.

22 Q Did you ever put a fork in Janie's mouth  
23 to discipline her?

24 A No.

25 Q Did anyone in your family ever do that?

1           A     No.

2           Q     They also describe bruising of the left  
3     jaw. Can you tell me how that happened?

4           A     No.

5           Q     No idea how that happened?

6           A     No.

7           Q     They describe diffuse areas of bruising  
8     on the back and the chest wall. Can you describe to  
9     me or tell me how that happened?

10          A     No.

11          Q     No idea?

12          A     No.

13          Q     And then the fracture of the right leg  
14     all at the same time. That, you think happened when  
15     she fell down the stairs?

16          A     Yes.

17          Q     Did you ever do -- do you know what it  
18     means to do the splits? You know how children  
19     pretend they're doing splits like cheerleaders do?

20          A     Uh-huh.

21          Q     Yes?

22          A     Yes.

23          Q     You know what that is, right?

24          A     Yes.

25          Q     Okay. Did you ever do that with Janie?



1 A No.

2 Q Did you ever pull her leg back so far  
3 that it broke?

4 A No.

5 Q You're sure?

6 A Yes.

7 Q Okay. The nurse's note here on March 16  
8 of '06 report multiple bruises on the left leg over  
9 the entire extremity. You have no idea how that  
10 happened?

11 A No.

12 Q And then a bruise on the right medial  
13 ankle. And bruises visible on the back, we talked  
14 about that. You have no idea how that happened?

15 A No.

16 Q Okay. They say that her left hand, the  
17 two outside digits are swollen and bruised. Did you  
18 ever bend back Janie's fingers --

19 A No.

20 Q -- as a form of discipline?

21 A No.

22 Q Did anybody in your family ever do that  
23 to her?

24 A Not that I know of.

25 Q And you would know about that if that

1 happened, wouldn't you?

2 A I would hope so.

3 Q Okay. Did you or your husband ever  
4 administer any type of physical punishment to Janie  
5 that caused her any harm?

6 A What do you mean?

7 Q Break any bones?

8 A No.

9 Q Cause any bruises?

10 A No.

11 MR. SPOHRER: Okay. I'm going to mark as  
12 Exhibit 3 the transcript of the proceeding.

13 (The document last-above referred to was  
14 marked for identification as Plaintiff's  
15 Exhibit No. 3.)

16 BY MR. SPOHRER:

17 Q This was when you and Mr. Tylski appeared  
18 in front of Judge John Merrett on May 22, 2008 with  
19 your attorney at the time, Mr. Willis. Do you  
20 remember that day, ma'am?

21 A Yes.

22 Q Okay. If you would turn to Page 11,  
23 you'll see that your attorney pled -- this was the  
24 charge that was leveled against you of aggravated  
25 child abuse and you entered a plea of guilty to that

1 charge. And then turning over to Page 12, the judge  
2 conducts a conversation with you. Do you remember  
3 that event?

4 A Yes.

5 Q And the judge said, "Did you hear the  
6 plea your attorney entered on your behalf?"

7 And what was your answer?

8 A "Yes."

9 Q And the judge said, "Did you tell him he  
10 could do that?"

11 And what was your answer?

12 A "Yes."

13 Q And the judge said, "Did you tell him he  
14 could do that because you are guilty?"

15 And what did you say?

16 A "Yes."

17 Q Okay. Were you guilty of aggravated  
18 child abuse with regard to Janie?

19 A If that's what they said.

20 Q Well, what do you say?

21 A I say I didn't do these -- do these  
22 things. What do you want me to say? What would you  
23 say?

24 Q Well, I would -- I'm asking you to tell  
25 me the truth. And I'm asking you, first of all,

1 whether what you told Judge Merrett back in May was  
2 the truth, that you were guilty of aggravated child  
3 abuse. Was that true then?

4 A It's what I had to say.

5 Q Why did you have to say it?

6 A It's the predicament that you guys put me  
7 in.

8 Q I'm sorry; it's the predicament that --

9 A That they -- the State put me in.

10 Q When you say, "you guys," are you  
11 referring to the State of Florida?

12 A Whoever. I don't understand who -- well,  
13 the State of Florida.

14 Q Okay. The State of Florida -- how did  
15 the State of Florida put you in a predicament?

16 A I -- I have three boys. I need to go on.  
17 I can't -- I couldn't -- I have a son that's going  
18 away to college, I can't -- I couldn't go on  
19 anymore. We don't have no -- any more money to  
20 defend ourselves.

21 Q Okay. So is what you're telling me now,  
22 Mrs. Tylski, that you really were not guilty of  
23 aggravated child abuse, but that you just told the  
24 judge that you were?

25 A In my eyes, yes. In my family's eyes,

1     yes.

2           Q     And why did you do that?

3           A     Again, I have three boys. I'm a mom.

4     I'm a good wife. I'm a good mom. And to keep

5     living like the way we had to live to go through

6     this hell, I had to.

7           Q     Okay. Did you love Janie?

8           A     I loved her with all my heart and I still

9     do.

10          Q     Uh-huh. And you gave her up, didn't you?

11          A     I had to.

12          Q     Why did you have to give her up?

13          A     Because of the fact of what we were being

14     charged with and how they were messing with the

15     boys.

16          Q     Who was messing with the boys?

17          A     The State.

18          Q     What was the State doing?

19          A     They kept coming to the school, taking

20     them, coming to my home, kept interviewing them at

21     any time, any place without permission, at any --

22     any given time.

23          Q     So there was an ongoing investigation --

24          A     Yes.

25          Q     -- to make sure that your boys were not

1 being harmed --

2 A Yes.

3 Q -- like Janie was; yes?

4 A Yes.

5 Q Okay. And so as I understand it, you  
6 voluntarily surrendered this little six-year-old  
7 girl that you loved back in April of '06, a month  
8 after this court date, right?

9 A Yes.

10 MR. TYLSKI: We were advised to.

11 BY MR. SPOHRER:

12 Q And why did you surrender your rights to  
13 her if you loved her?

14 A Any mother that went -- that has gone  
15 through the pain that we had to go through with our  
16 boys and her would understand. You would only  
17 understand from a mother's heart. One, we were  
18 advised to do it and, two, because of what they were  
19 doing to the boys.

20 Q So you did this to protect your boys?

21 A I did this to protect the family.

22 Q Did you take Janie to church?

23 A Yes.

24 Q Every Sunday?

25 A Yes.

1 Q With your boys?

2 A Yes.

3 Q Did you tell the teacher at Janie's  
4 school that these injuries that she had were because  
5 she had fallen down the stairs?

6 A Yes.

7 Q Did you ever put hot sauce in Janie's  
8 ears?

9 A No.

10 Q Or her eyes?

11 A No.

12 Q How many times did Mr. Tylski strike her  
13 with a belt, on how many different occasions?

14 A Probably once or twice, if that.

15 Q Once or twice in the four years that you  
16 had her?

17 A Two years.

18 Q Two years you had her, rather.

19 A Uh-huh.

20 Q Yes?

21 A (Witness moves head up and down.)

22 Q What had she done for that punishment?

23 A She had lied.

24 Q What did she lie about?

25 A If I remember correctly, it was -- had to

1 do with something --

2 MR. TYLSKI: Homework.

3 THE WITNESS: -- it was homework, and she  
4 had thrown stuff away and she denied throwing  
5 it away. It was a -- it was that whole day,  
6 just accumulated stuff that she had done.

7 BY MR. SPOHRER:

8 Q Which day are we talking about?

9 A It was just a -- I don't remember which  
10 day it was. It was just a, a regular day.

11 Q Okay. Well, tell me everything that she  
12 had done to deserve this punishment on that day.

13 A I don't remember exactly. I just  
14 remember it had to do something with her homework  
15 and lying about throwing something away or...

16 Q Okay.

17 A I don't remember the details.

18 Q And at that time that this happened, you  
19 can't remember exactly when it was, was she four  
20 years old?

21 A I don't know.

22 Q Was she five years old?

23 A I don't remember. I don't remember when  
24 I -- when I spank a child how old they were.

25 Q And you don't remember what she lied



1 about?

2 A (Witness moves head up and down.)

3 Q Have you ever put hot sauce in the mouths  
4 of one of your three sons?

5 A Yes.

6 Q How often have you done that?

7 A Whenever they talk potty mouth.

8 Q Have you ever put hot sauce in their ears  
9 or their eyes?

10 A No.

11 Q Have they ever been struck with a belt?

12 A Yes.

13 Q And by you or by Mr. Tylski?

14 A Both.

15 Q How many times, do you think?

16 A I don't know.

17 Q Okay. Have any of your three sons ever  
18 broken any bones?

19 A Yes.

20 Q Which ones?

21 A Josh and Jordan.

22 Q What did they break?

23 A They both have broken their collar bones.

24 Q And how did that happen?

25 A Football.

1 Q Okay. Did any one of your three sons  
2 ever break a bone while falling down the stairs at  
3 house, at the house?

4 A No.

5 Q To your knowledge, has either of the  
6 three of them ever been clumsy or fallen down the  
7 stairs?

8 A Yes.

9 Q I want to go back to this incident that  
10 led to the hospitalization on March the 9th, 2006.  
11 Can you tell me a little bit more about how she  
12 broke her leg? You were in the other room  
13 vacuuming; correct?

14 A Uh-huh, yes.

15 Q She's home from school because she had  
16 thrown up?

17 A Yes.

18 Q And she's coming down the stairs?

19 A As far as her story said.

20 Q Okay. And tell me what you remember  
21 about that event.

22 A She fell down the stairs. Well, in her  
23 words, she had fallen down the stairs and  
24 somersaulted. She used the word somersaulted down  
25 the stairs. And when I found her, she was laying at

1 the bottom of the stairs so I didn't know what had  
2 happened, but she had her hands through the  
3 spindles, saying, mommy, mommy, mommy. I picked her  
4 up, laid her on the couch, called Rich. And he told  
5 me to ice it 20 minutes on, 20 minutes off.

6 Q Okay.

7 A She never cried.

8 MR. TYLSKI: I thought it was the knee.

9 THE WITNESS: Yeah. I thought it was the  
10 knee, so I was icing her knee.

11 BY MR. SPOHRER:

12 Q Okay. Did she have any bruises on her  
13 body?

14 A I didn't look.

15 Q Well, you were her mom?

16 A Uh-huh.

17 Q You know your child had just fallen, had  
18 a bad fall, bad enough that you called your husband.

19 A Well, he had -- I had called him. We  
20 called each other all the time at work and I said  
21 Janie just said she fell down the stairs.

22 Q And --

23 A I didn't call him specifically to say,  
24 hey, Janie fell down the stairs.

25 Q Okay. So he just happened to call in,

1 and you said, oh, by the way --

2 A Yes.

3 Q -- Janie --

4 A Yes. He said, "What are you doing?" I  
5 said, "Janie said she fell down the stairs."

6 Q Okay. Now, what was Janie doing during  
7 this time?

8 A Laying on the couch.

9 Q Sleeping?

10 A Just laying there.

11 Q Just laying there quietly?

12 A Yes.

13 Q Not -- not in pain?

14 A She would whimper, but nothing that I  
15 would be alerted to.

16 Q Okay. Now, you know that at that point  
17 she had fractured her leg, right?

18 A I didn't know she had fractured --

19 Q You knew later that she had fractured it?

20 A Yes.

21 Q Okay. But it's your testimony that she  
22 was just laying quietly on the couch?

23 A Yes.

24 Q Okay. And so Mr. Tylski says put ice on  
25 it for 20 minutes and then off for 20 minutes?

1 A Yes.

2 Q And did you do that?

3 A Yes.

4 Q For what length of time?

5 A Probably a good hour, hour and a half  
6 maybe.

7 Q And during that time, what was Janie  
8 doing?

9 A Just laying there, watching TV.

10 Q Okay. Not in any pain?

11 A Just occasional, "it hurts."

12 Q Okay. And where were you applying the  
13 ice?

14 A On her knee.

15 Q Her knee?

16 A Yes.

17 Q All right. And what happened after the  
18 hour?

19 A Nothing. Just --

20 Q I'm sorry?

21 A Nothing.

22 Q Nothing? Well, what happened next I  
23 guess is my question.

24 A When Rich came home later that day, we  
25 took her to the hospital.

1 Q What time did Mr. Tylski get home?

2 A I don't remember. It was a blur.

3 Q What happened to make you decide to take  
4 her to the hospital later in the day?

5 A Her leg had swollen by then.

6 Q And where was it swelling?

7 A Above her, above her knee.

8 Q Okay. And still, she's not expressing  
9 any pain to you?

10 A She -- she was whimpering more at the  
11 time.

12 Q She was whimpering?

13 A Uh-huh.

14 Q Yes?

15 A Like ooh, yeah. Whimpering, yes.

16 Q Okay. So how much time elapsed from the  
17 time she fell down the stairs until you took her to  
18 the hospital?

19 A I don't know.

20 Q Was it two hours, three hours?

21 A About that, maybe.

22 Q About three hours?

23 A Maybe, yes.

24 Q Okay. And when you got to the hospital,  
25 what did you tell the nurses and the doctor?

1           A     When we walked up, they thought she had a  
2     fever, that we were bringing her in for a fever.  
3     But then when we explained we think she might have a  
4     broken leg, then they took her back for an x-ray.

5           Q     Okay. What did the doctor say to you?

6           A     They said her leg was broken.

7           Q     Okay. And where was it broken?

8           A     Her femur.

9           Q     Okay. Did they ask you about the  
10    multiple bruises over -- over her body?

11          A     They didn't say a word.

12          Q     Did they ask you about any laceration  
13    underneath her tongue?

14          A     No.

15          Q     Did they ask you about the old fractures  
16    to her fingers?

17          A     Not until later.

18          Q     Okay. When later did that happen?

19          A     A few days later.

20          Q     And who asked you about that?

21          A     Barbara O'Reilly, her pediatrician.

22          Q     And what did Dr. O'Reilly ask?

23          A     She asked if she had broken her hand  
24    before.

25          Q     Now, why was she -- why were you having a

1 conversation with the pediatrician?

2 A She was in the room.

3 Q Okay. Was Janie hospitalized?

4 A Yes.

5 Q Okay. And so she remained in the  
6 hospital for how long?

7 A I don't -- six days. About six days.

8 Q Okay. And the pediatrician was making  
9 rounds and coming to talk to her?

10 A Uh-huh.

11 Q Yes?

12 A Yes.

13 Q Okay. And tell me what the doctor asked  
14 you.

15 A She asked me if she had broken her hand  
16 before or if I had known that she had broken her  
17 hand before.

18 Q And what did you say?

19 A No, she said she had something -- I don't  
20 remember the exact words, but she had said something  
21 about her hand being broken. And I asked her, "Did  
22 it happen in the fall?" And she said, "No, this is  
23 an older break."

24 Q And what did you say?

25 A I said, "Well, I don't know then" because



1 I didn't know her previous history as far as...

2 Q Okay. And then what, what other  
3 conversation did you have with that doctor or any  
4 other investigators?

5 A She asked me about -- she asked me about  
6 if any of the boys had bent her fingers back.

7 Q Uh-huh.

8 A Or if she had ever broken her fingers.

9 Q And what did you say?

10 A No.

11 Q Okay. You're sure that that didn't  
12 happen while she was in your home?

13 A Yes.

14 Q Okay. What did the doctor say?

15 A She just had told me that it was broken,  
16 had been broken. She wasn't sure of the time frame.

17 Q Okay. Well, how did that make you feel  
18 as the mother of this child, to know that your child  
19 had had -- first, had broken her leg and you didn't  
20 know it, and then being told that she had also had  
21 broken her fingers?

22 A I was already in shock that her leg was  
23 broken while we were in the hospital. As far as her  
24 leg -- her hand being broken before, we just kept  
25 thinking it had been broken prior to us having her

1 because they had no time frame.

2 Q Did you ever ask Janie about her fingers  
3 or how that happened?

4 A No, because in the hospital we generally  
5 thought it was her falling down the stairs.

6 Q Uh-huh. Do you know what Janie says  
7 about that?

8 A Yes.

9 Q What does Janie say about that?

10 A She says I bent her fingers back.

11 Q Yeah. She actually says that you slapped  
12 her fingers down on the corner of a table to  
13 discipline her. Did you do that?

14 A No.

15 Q You're sure?

16 A Yes.

17 Q Did you bend her fingers back?

18 A No.

19 Q Did her leg break because you were  
20 bending her leg back --

21 A No.

22 Q -- to do a split or anything like that?

23 A No, no.

24 Q You're smiling?

25 A Because it's ridiculous.

1 Q Okay. Do you know why this child would  
2 say that's how she broke her leg?

3 A She -- it's her -- it was her character,  
4 you know, the type of thing, I'm going to tell Aunt  
5 Chris, you know, type of stuff. Aunt Chris was the  
6 foster mom that had her before, just always wanting  
7 to go back to where she came from.

8 Q It was her character to -- to do what?

9 A She would threaten the kids and say, "If  
10 you don't give me that, I'm going to go back to my  
11 Aunt Chris." You know, it was that vindictive --  
12 that's the only thing I could think of, other than  
13 her being fed this stuff.

14 Q But I thought she loved you and loved the  
15 family.

16 A She did.

17 Q Well, why would she want to go back to a  
18 foster home?

19 A We never understood that part of it. She  
20 was always ready to go to the next person that came  
21 to the house. Just like when she was with Chris,  
22 she couldn't -- she wanted to come with us quickly.  
23 She couldn't come quick enough.

24 Q So it's your opinion then and your  
25 testimony that this child, who was four or five

1 years of age, was calculated enough to make up these  
2 stories about you breaking her fingers and breaking  
3 her leg --

4 A Either --

5 Q -- because she was mad at you?

6 A Either made them up or she was fed this  
7 stuff.

8 Q Okay. And tell me what you mean she was  
9 fed this stuff.

10 A The foster parents, they were even caught  
11 lying on what they had asked -- questioned her.

12 Q I'm sorry?

13 A The new parents.

14 Q Say that again.

15 A The new parents.

16 Q Yes?

17 A They were even caught in court lying  
18 about when they had talked to and questioned this  
19 child.

20 Q You have to tell me more about that; what  
21 are you speaking about?

22 A When we went to court, the Utleys were  
23 caught lying about when they had spoken to this  
24 child and what she had said to them.

25 Q When you went to court. You're speaking

1 about the day that you went to court --

2 A Yes.

3 Q -- that you and I were just reading  
4 about?

5 A Yes.

6 MR. TYLSKI: No, it was a pretrial  
7 hearing.

8 THE WITNESS: Well, pretrial hearing,  
9 yes.

10 BY MR. SPOHRER:

11 Q Okay. Well, let's go back to Janie. Is  
12 it your testimony that this child, who was age four  
13 or age five, made up a story about you breaking her  
14 fingers because she was mad at you?

15 A That's not my testimony. I don't know if  
16 she was mad at me.

17 Q Well, why would she do that?

18 A I have no idea.

19 Q And is it your testimony that this child,  
20 who was four or five years of age, made up a  
21 story --

22 A She was six.

23 Q Or six.

24 -- made up a story about you breaking her  
25 leg? That's -- you're telling me that she made that

1 up, right?

2 A She changed her story.

3 Q Okay. And why would she do that?

4 A I don't know. I would -- I had no chance  
5 to talk to her.

6 Q Okay. This was a child who loved you,  
7 loved the family, wanted to stay in your home?

8 A That's the way she perceived it, yes.

9 Q Okay. And, yet, it's your testimony that  
10 she was making these stories up about being hurt; is  
11 that right?

12 A That's the way it came out. She changed  
13 her story.

14 Q At the time that you adopted Janie, were  
15 you given her medical history?

16 A No.

17 Q Were you told anything about her  
18 background?

19 A Little bit, bits and pieces, nothing in  
20 writing.

21 Q Okay. Did you ever notice anything wrong  
22 with her fingers from the time you adopted her up  
23 until the time she went to the hospital in March of  
24 '06?

25 A No.

1 Q Did you ever notice any bruises on her  
2 back or her legs at any time before you took her to  
3 the hospital?

4 A Not that I remember. I didn't check.

5 Q Did you notice any lacerations to any  
6 part of her body?

7 A No, not that I -- I didn't check.

8 Q Okay. Well, when you say you didn't  
9 check, as a mom of a four-year-old, five-year-old,  
10 whatever, I would assume you helped her get dressed?

11 A No. She was six. She got dressed on her  
12 own.

13 Q Okay. Did you help her bathe?

14 A No, she bathed on her own.

15 Q Okay. So is it your testimony that you  
16 never saw your daughter without her clothes on?

17 A Every now and then, but not -- I didn't  
18 examine her.

19 Q Okay. When she had the laceration to her  
20 forehead, did you take her to see a doctor?

21 A Yes.

22 Q And who was that doctor?

23 A I don't know his name.

24 Q Okay. Did she have stitches?

25 A Yes.

1 Q Did you receive an adoption subsidy when  
2 you adopted Janie?

3 A What do you mean?

4 Q Did you receive any money --

5 A No.

6 Q -- from the State of Florida or anybody  
7 when you adopted her?

8 A No.

9 Q Mrs. Tylski, is there anything you would  
10 like to say to Janie today?

11 A Yes.

12 Q What would you like to say to her?

13 A That I love her very, very much and miss  
14 her.

15 Q And the last question I have for you,  
16 ma'am, is if you loved her, why did you surrender  
17 her and not fight to keep her as part of your  
18 family?

19 A As I said before, I have -- to keep our  
20 family together, we were advised to give her up.  
21 And what they were doing to the boys. The boys were  
22 so traumatized, there was -- how do you hold a  
23 family together when your boys -- when the boys are  
24 being so traumatized by the State and, yet, we  
25 weren't even allowed to see her or talk to her.



1 Q Okay. Who advised you to give up your  
2 rights, your parental rights to --

3 A **Patty Parker.**

4 Q Okay. And when you appeared in front of  
5 Judge Merrett and answered his questions under oath,  
6 you were doing that under advice of counsel; is that  
7 right?

8 A Yes.

9 MR. SPOHRER: Okay. Let's take a break.  
10 We've been at this for a little while. I think  
11 we're about done. I just want to go over my  
12 notes.

13 (Brief recess.)

14 MR. SPOHRER: Here are your original  
15 documents, Mr. Tylski. I'll give those back to  
16 you.

17 MR. TYLSKI: Thank you.

18 BY MR. SPOHRER:

19 Q All right. I just have a couple more  
20 questions, Mrs. Tylski, and then we'll be done.

21 As I gather from listening to you, you  
22 feel this was something that, this whole situation  
23 was something that was done to you and to your  
24 family, that you were made victims by the State; is  
25 that right?

1 A Correct.

2 Q And how did that happen? How did that  
3 come about?

4 A It was all about -- first, it started out  
5 because of what Rich did for a living.

6 Q What about what he did for a living?

7 A He was a football player, you know, the  
8 football player did this and the football player did  
9 that.

10 Q Okay.

11 A Instead of who we are. It was all about  
12 what he did for a living, not who we are.

13 Q All right. But you feel that this whole,  
14 the prosecution by the State and that your giving up  
15 Janie as your daughter was something that was done  
16 to you and that you-all were made victims by this  
17 situation; is that true?

18 A Correct.

19 Q All right. Now, and just to finish up  
20 then, as I understand it, on the day that she came  
21 into the hospital, March the 9th, 2006, she had a  
22 broken leg but was lying on the couch at your home  
23 for several hours with ice that you were putting on  
24 her leg, right?

25 A Correct.

1 Q She was not getting any pain medications?

2 A No.

3 Q And she wasn't crying out in pain?

4 A No.

5 Q Okay. And the bruises on her back, which  
6 are depicted in the illustration here on Exhibit  
7 No. 2, and the bruises and lacerations and  
8 contusions on her legs and back, you were unaware of  
9 those --

10 A Correct.

11 Q -- until those were pointed out to you by  
12 the doctors and the nurses?

13 A Correct.

14 Q Okay. Have you seen the photographs of  
15 Janie which were taken by the Child Protective Team?

16 A No.

17 Q But is it your testimony that when you  
18 took this child into the hospital she did not have  
19 any visible signs of injury which you were aware of?

20 A I didn't check her, all I know is she was  
21 complaining of her leg.

22 Q Okay. But complaining quietly,  
23 whimpering?

24 A Yes.

25 MR. SPOHRER: Okay. All right.

1 Mrs. Tylski, that's all I have. Thank you very  
2 much. If you'll swap seats with your husband,  
3 we'll take a deposition from him.

4 (The deposition concluded at 10:03 a.m.)  
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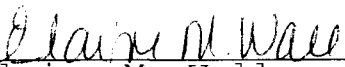
C E R T I F I C A T E

STATE OF FLORIDA     )  
                              )  
COUNTY OF DUVAL     )

I, Elaine M. Wall, Professional Shorthand Reporter and Notary Public, certify that I was authorized to and did stenographically report the deposition of Jane M. Tylski; that a review of the transcript was not requested; and that the transcript is a true and complete record of my stenographic notes.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

DATED this 9th day of November, 2009.

  
\_\_\_\_\_  
Elaine M. Wall

C E R T I F I C A T E O F O A T H

STATE OF FLORIDA     )  
                              )  
COUNTY OF DUVAL     )

I, the undersigned authority, certify  
that Jane M. Tylski, the witness, personally  
appeared before me and was duly sworn.

WITNESS by hand and official seal this  
9th day of November, 2009.

Elaine M. Wall  
Elaine M. Wall  
Notary Public - State of Florida  
My Commission No. DD800444  
Expires: August 19, 2012



IN THE CIRCUIT COURT, FOURTH  
JUDICIAL CIRCUIT, IN AND FOR  
DUVAL COUNTY, FLORIDA

CASE NO.: 16-2008-CA-010332  
DIVISION: CV-F

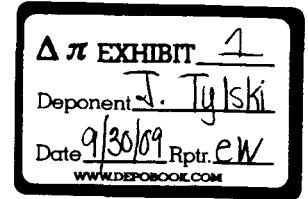
HUGH COTNEY, as Attorney Ad Litem  
for JANE DOE, a minor child

Plaintiff,

v.

RICHARD L. TYLSKI, an individual  
JANE M. TYLSKI, an individual

Defendants.



**SUBPOENA FOR VIDEOTAPE DEPOSITION *DUCES TECUM*  
OF JANE M. TYLSKI**

THE STATE OF FLORIDA

TO: **JANE M. TYLSKI**  
**5456 Tierra Verde Lane,**  
**Jacksonville, Florida, 32258**

YOU ARE COMMANDED to appear before *Anderson Reporting Services, Inc.*, authorized by law to take depositions in the State of Florida and who will provide a certified legal videographer for the videotaping at:

**Spohrer & Dodd, P.L.**  
**701 West Adams Street, Suite 2**  
**Jacksonville, Florida 32204**

**Telephone: 904-309-6500.**

on *Wednesday, September 30<sup>th</sup>, 2009 at 9:00 a.m.*, for the taking of your deposition in this action and to have with you at that time and place the following items:

1. All bank statements for all checking and savings accounts held in your name either individually or jointly for the past 2 years.
2. All tax returns for the past 3 years.
3. Any and all documentation identifying the contents of all safety deposit boxes and storage units.
4. All titles to any real estate property, vehicles, boats or insured jewelry, held in your name either individually or jointly.

5. Any and all credit card statements held in your name either individually or jointly and all applications for credit cards or loans.
6. Any and all statements for IRA accounts, retirement funds, or any other asset account.
7. Any and all statements within the last 6 months for the following:
  - Monthly gross salary or wages
  - Monthly bonuses, commissions, overtime & tips
  - Monthly business income
  - Monthly disability benefits/SSI
  - Monthly Workers' Compensation
  - Monthly Unemployment Compensation
  - Monthly pension, retirement, or annuity payments
  - Monthly Social Security benefits
  - Monthly alimony actually received
  - Monthly interest and dividends
  - Monthly rental income
  - Monthly income from royalties, trusts, or estates
  - Any other income of a recurring nature.

The oral examination will continue until testimony is completed. This deposition is to be taken for the purpose of discovery, for use at trial, or for such other purpose as authorized by law and the *Florida Rules of Civil Procedure*.

Individuals with disabilities needing a reasonable accommodation to participate in this proceeding shall contact Helen Spohrer, not less than seven (7) days prior to the proceeding at (904) 309-6500. If notice to the individual, court date, subpoena, etc., is less than seven (7) days, then the individual should contact Robert Spohrer as soon as possible after receiving this notice. If hearing impaired, telephone 800-955-8771 (TDD); or 800-955-8770 (V), via Florida Relay Service.

**IF YOU FAIL TO APPEAR, YOU MAY BE IN CONTEMPT OF COURT.**

You are subpoenaed to appear by the following attorneys, and unless excused from this subpoena by this attorney or the court, you shall respond to this subpoena as directed.

Dated this 25<sup>th</sup> day of September, 2009.

**ROBERT F. SPOHRER**  
FOR THE COURT



Florida Bar No.: 0184500

**SPOHRER & DODD, P. L.**

701 West Adams Street, Suite 2

Jacksonville, Florida 32204

(904) 309-6500 - Telephone

(904) 309-6501 - Facsimile

*Attorneys for Plaintiffs*



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**SECURED**

1 IN THE CIRCUIT COURT, FOURTH  
2 JUDICIAL CIRCUIT, IN AND FOR  
3 DUVAL COUNTY, FLORIDA.

4 CASE NO.: 16-2006-CF-006143-AXXX-MA  
5 DIVISION: CR-E

6 STATE OF FLORIDA

7 vs.

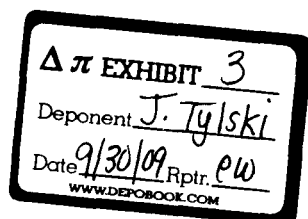
8 JANE and RICHARD TYLSKI,

9 Defendant.

10 \_\_\_\_\_/

11 PROCEEDINGS before the Honorable JOHN  
12 MERRETT, Circuit Judge, Courtroom No. 2, at the Duval  
13 County Courthouse, 330 East Bay Street, Jacksonville,  
14 Duval County, Florida, on Thursday, May 22nd, 2008,  
15 commencing at 2:00 p.m., reported by Sharron A.  
16 McLendon, Court Reporter.

17 - - -



ORIGINAL

EX-3

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A P P E A R A N C E S

ADAIR ROMMEL, Esquire  
and  
ALAN MIZRAHI, Esquire  
Office of the State Attorney  
Duval County Courthouse  
330 East Bay Street  
Jacksonville, Florida 32202  
Attorneys for the State of Florida.

ROBERT WILLIS, Esquire  
and  
LEE HUTTON, Esquire  
503 East Monroe Street  
Jacksonville, Florida 32202  
Attorney for the Defendant.

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P R O C E E D I N G S

May 22, 2008

2:00 p.m.

- - -

THE COURT: All right. Call your case.

MS. ROMMEL: Your Honor, the State calls  
the case of Jane and Rich Tylski.

THE COURT: Jane and Richard Tylski.  
(Defendants present.)

THE COURT: I'll hear you.

MS. ROMMEL: Your Honor, before we  
proceed to the plea and the negotiated  
disposition, the victim's mother has prepared  
a statement for the Court that has already  
been disclosed to defense counsel and would  
like the Court to hear.

MR. WILLIS: We have no objection, Your  
Honor.

THE COURT: All right.

MS. ROMMEL: The State would call forward  
Ms. Karla Utley. Ms. Utley also prepared some  
pictures of Janie that she asked me to provide  
to the Court.

THE COURT: Give me a minute to look at  
these if you would. How old is she now?

1 MS. UTLEY: She's eight.

2 THE COURT: Thank you.

3 Mr. Willis, you and your clients are  
4 welcome to take your seats if you'd like or  
5 you can remain standing.

6 MR. WILLIS: Thank you very much, Your  
7 Honor.

8 THE COURT: You may proceed.

9 MS. UTLEY: Thank you.

10 It is with great pride that I finally  
11 have the opportunity to share Janie Rebecca  
12 Utley with the Court today. She is and has  
13 been a delightful daughter, sister,  
14 granddaughter, great granddaughter, cousin,  
15 niece, student and friend. She is now eight  
16 years old.

17 Janie has sparkling big blue eyes and  
18 beautiful long hair. She is currently in the  
19 third grade at Abess Park, and she excels  
20 academically, socially and behaviorally at  
21 school.

22 Janie loves to read non-fiction books,  
23 especially those about animals. She dreams  
24 about horseback riding and one day travelling  
25 to South America to swim with the pink

1 dolphins. As part of her daily chores she  
2 helps to take care of her two dogs, Sam and  
3 Kelly. She has expressed aspirations to one  
4 day be a veterinarian. She often watches  
5 Animal Planet and is fascinated by the shows  
6 involving hurt and sick animals. Her  
7 compassion for all creatures, big and small,  
8 is amazing.

9 Janie is a wonderful big sister to Skyla  
10 and Kendall. She's responsible and gentle  
11 beyond her years. She is loving, patient and  
12 kind. She is a great diaper changer, even  
13 though that it is not her favorite thing to  
14 do. She pushes her one year old sister around  
15 the house on her little bus as Kendall cackles  
16 with delight.

17 Janie enjoys reading with Skyla. The  
18 girls love to stay up late on Friday nights  
19 and eat popcorn and watch movies. They paint  
20 each other's toenails and giggle until soda  
21 comes pouring out of their noses. She is part  
22 of an unbreakable bond that only sisters  
23 share.

24 Music has become another one of Janie's  
25 passions. She loves to sing. This year she

1 was one of the few third graders chosen for  
2 the school chorus. At home you can hear the  
3 country music blasting from her bedroom.  
4 Janie loves to sing and dance to the  
5 soundtrack from High School Musical. She has  
6 been known to climb up on the coffee table and  
7 belt out songs from the '70s and '80s, as  
8 though she were auditioning for American Idol.  
9 She knows every word to every song that Hannah  
10 Montana sings.

11 One of our favorite family activities is  
12 boating, and it's one Janie looks forward to  
13 with delight. You can often hear her yell,  
14 faster, daddy, as she enjoys the speed of the  
15 boat. Once anchored she enjoys playing on the  
16 beach and looking for hermit crabs to take  
17 home. Janie is a great first mate and loves  
18 to drive the boat while sitting on daddy's  
19 lap. She's an avid swimmer and she loves  
20 swimming with the fish at the ice cold Florida  
21 springs.

22 Janie loves visiting Tallahassee to watch  
23 her favorite team play football. She is  
24 usually decked out from head to toe in her  
25 Seminole gear. She loves to walk around the



1 campus and visit the places her mom and dad  
2 used to frequent. During the last visit to  
3 Tallahassee she visited the Chi Omega House  
4 and decided that that is where she was going  
5 to live when she goes to college. She does  
6 the Seminole chop with the best of them and  
7 aspires to be the student chosen to ride  
8 renegade at the football games when she  
9 attends FSU.

10 If given the opportunity, Janie would  
11 have appeared here today. The Court would  
12 have seen a happy, confident and courageous  
13 little girl. Janie would have told Judge  
14 Merrett that Jane and Rich Tylski should be in  
15 jail.

16 Janie would have shown everyone who did  
17 not believe her before her mangled fingers,  
18 scar on her forehead and stainless steel rod  
19 that came out of her leg. Janie would have  
20 told these same naysayers that she is not  
21 clumsy, nor did she come to the Tylskis' house  
22 with these injuries. Janie would have told  
23 all the Tylskis' neighbors, sports community,  
24 baby-sitters and church members that you never  
25 know what goes on behind closed doors.

1 Janie would have thanked the  
2 investigators, caseworkers, therapists,  
3 doctors and guardian ad litem for believing in  
4 her. Janie would have thanked Mr. Alan and  
5 Ms. Adair for fighting for her. Janie would  
6 have told her brothers that she cares about  
7 them and often asks about their well-being.  
8 Janie would have given Gavin a great big hug  
9 for being so brave and doing the right thing.

10 Janie would have apologized to the  
11 children of Jacksonville who are waiting to be  
12 adopted for the statements made by the Tylskis  
13 that these children are damaged goods. Janie  
14 would have expressed her wishes about helping  
15 other children be adopted into loving and safe  
16 homes. Janie would tell everyone that their  
17 reputation is never bigger than their words  
18 and their actions.

19 In closing, to know Janie is to love  
20 Janie. The Tylskis' loss is our gain. She is  
21 an essential member of our family and we  
22 cannot remember life without her. As Jimmy  
23 Buffet once said, some people never find it,  
24 some only pretend, but I just want to live  
25 happily ever after now and then. Thank you

1 for hearing me today.

2 THE COURT: Thank you, ma'am.

3 Anything further from the government?

4 MS. ROMMEL: No, sir.

5 THE COURT: All right. Mr. Willis, if  
6 you let me know how we're going to proceed.

7 MR. WILLIS: Your Honor, if it please the  
8 Court, if the Tylskis could come on up. We're  
9 here for the resolution of this case today.  
10 There is a different resolution as to each of  
11 these persons.

12 THE COURT: All right, sir.

13 THE COURT: As to Richard Tylski,  
14 Mr. Tylski will be referred to Pretrial  
15 Intervention. We will need a pass date to  
16 accomplish that. And as part of the  
17 proceeding he wishes to read a statement into  
18 the record.

19 THE COURT: All right. Mr. Tylski.

20 MR. WILLIS: Hold on for a minute. We  
21 have an amendment and I need to get the  
22 amended version.

23 MR. TYLSKI: On or about March 7th, 2006,  
24 I spanked my daughter with a belt which  
25 exceeded the scope of appropriate parental

1 discipline which resulted in some of the marks  
2 as seen on Jane Tylski on March 9th, 2006.

3 THE COURT: Thank you.

4 MR. WILLIS: That concludes it as to  
5 Mr. Tylski, except for the setting of a pass  
6 date.

7 THE COURT: All right. About how long do  
8 you need, Ms. Rommel?

9 MS. ROMMEL: Two weeks. Your Honor, that  
10 should be sufficient.

11 THE COURT: All right. And that's just a  
12 control date.

13 MR. WILLIS: Yes, sir.

14 THE COURT: The paperwork has gone  
15 through.

16 MS. ROMMEL: Yes, sir.

17 MR. WILLIS: Yes, sir, that is correct,  
18 yes, sir.

19 THE COURT: All right. Would his  
20 appearance be required on that date?

21 MS. ROMMEL: No, sir. I hope to just  
22 strike it from the calendar once the paperwork  
23 is done.

24 THE COURT: Even if it is on the  
25 calendar, we'll waive his appearance, if

1       either co-counsel would come and let me know  
2       what's going on, if it's still alive.

3               MR. WILLIS: That's fine.

4               THE COURT: And I will pass the case to  
5       June 11th.

6               MR. WILLIS: Thank you.

7               THE COURT: All right.

8               MR. WILLIS: Your Honor, as to  
9       Mrs. Tylski, we will be tendering a plea of  
10      guilty to the first count of the information,  
11      predicated upon an understanding that upon  
12      acceptance of the plea that she would be  
13      adjudicated guilty and she is to be placed on  
14      two years probation with the following special  
15      conditions: A, anger control; B, parenting  
16      skills; C, 100 hours of community service; and  
17      D, a \$12,500 contribution to the establishment  
18      of an educational savings account for Janie  
19      Tylski, and then the mandatory court costs  
20      beyond that. There is a further provision  
21      that she will be eligible to apply for early  
22      termination after one year if she has  
23      accomplished all of those special conditions.  
24               THE COURT: All right. Give me just one  
25      second. All right, sir. Do you have a plea

1 form?

2 MR. WILLIS: Yes, sir. We had previously  
3 filed with the Court a waiver of a presentence  
4 report.

5 THE COURT: Yes, sir. All right. Let  
6 Mrs. Tylski be sworn.

7 THE CLERK: Raise your right hand for me  
8 please.

9 JANE TYLSKI,

10 having been produced and first duly sworn as a witness,  
11 testified as follows:

12 THE CLERK: Thank you.

13 THE COURT: All right, ma'am, I need you  
14 to keep your voice up loud enough for me to  
15 hear you and for the court reporter to hear  
16 you. In fact, I've never heard you talk. If  
17 you're particularly soft spoken, you may want  
18 to step up in front of the clerk.

19 MR. WILLIS: She's fine.

20 THE COURT: All right. State your name.

21 THE DEFENDANT: Jane Tylski.

22 THE COURT: Did you hear the plea your  
23 attorney entered on your behalf?

24 THE DEFENDANT: Yes.

25 THE COURT: Did you tell him he could do

1       that?

2               THE DEFENDANT: Yes, sir.

3               THE COURT: Did you tell him he could do  
4       that because you are guilty?

5               THE DEFENDANT: Yes, sir.

6               THE COURT: How old are you?

7               THE DEFENDANT: Thirty-eight.

8               THE COURT: And how far did you go in  
9       school?

10              THE DEFENDANT: High school.

11              THE COURT: Can you read and write?

12              THE DEFENDANT: Yes, sir.

13              THE COURT: Is this your signature on the  
14       back of the blue form in the blank marked  
15       defendant?

16              THE DEFENDANT: Yes, sir.

17              THE COURT: Did you read the form before  
18       you signed it?

19              THE DEFENDANT: Yes, sir.

20              THE COURT: Is this your signature on the  
21       bottom on the green form in the blank marked  
22       defendant?

23              THE DEFENDANT: Yes, sir.

24              THE COURT: Did you read that form before  
25       you signed it?

1           THE DEFENDANT: Yes, sir.

2           THE COURT: Did you understand both of  
3 those forms?

4           THE DEFENDANT: Yes, sir.

5           THE COURT: Do you understand by signing  
6 the green form you're giving up your right to  
7 have a background investigation and a report  
8 and recommendations made to me by the  
9 Department of Corrections concerning the  
10 disposition of your case?

11          THE DEFENDANT: Yes, sir.

12          THE COURT: Do you understand by entering  
13 the plea you give up your right to a trial by  
14 a jury, your right to confront and  
15 cross-examine the witnesses against you and  
16 the right to compel the attendance of  
17 witnesses in your own behalf?

18          THE DEFENDANT: Yes, sir.

19          THE COURT: Do you understand you give up  
20 your right to appeal?

21          THE DEFENDANT: Yes, sir.

22          THE COURT: Are you under the influence  
23 of alcohol or any other drug or substance that  
24 could affect your ability to understand what's  
25 going on around you?



1 THE DEFENDANT: No, sir.

2 THE COURT: Have you failed to take or  
3 been deprived of anything that you need in  
4 order to understand what's going on around  
5 you?

6 THE DEFENDANT: No, sir.

7 THE COURT: Do you understand what we're  
8 doing here today?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Do you understand that if  
11 you're not a U.S. citizen your plea could  
12 subject you to deportation?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Madam Prosecutor, what degree  
15 felony is count one?

16 MS. ROMMEL: First degree.

17 THE COURT: Do you understand, ma'am,  
18 that if you're found to be in a material and  
19 willful violation of your probation you could  
20 be sentenced, after a hearing without a jury,  
21 to up to five years in prison?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Do you understand that that  
24 would not require a conviction for a new  
25 crime?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Are you aware of any DNA  
3 evidence that might have affected this case?

4 THE DEFENDANT: No, sir.

5 THE COURT: Is either attorney aware of  
6 any such evidence?

7 MS. ROMMEL: No, sir.

8 MR. WILLIS: No, sir.

9 MS. ROMMEL: Sir, for the record, I  
10 believe you meant to say 30 years.

11 THE COURT: I'm sorry?

12 MS. ROMMEL: I believe you meant to say  
13 up to 30 years.

14 THE COURT: I thought you said it was a  
15 third degree felony.

16 MS. ROMMEL: No, sir, it was a first  
17 degree felony, I'm sorry.

18 THE COURT: Oh, I'm sorry. In the event  
19 of a violation which is found to be material  
20 and willful of your probation, you could be  
21 sentenced, without a trial before a jury, to  
22 up to 30 years. Do you understand that?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: All right. I find from the  
25 arrest affidavit, which has been made a part

1 of the record in this case, there is a factual  
2 basis for the plea. I further find the plea  
3 and the waiver of presentence investigation to  
4 be freely, voluntarily and knowingly entered,  
5 with a full knowledge and understanding of the  
6 nature and consequences of each and I accept  
7 both.

8 Is there any reason why sentence may not  
9 now be imposed?

10 MR. WILLIS: No, sir.

11 MS. ROMMEL: No, sir.

12 THE COURT: Ma'am, on your plea of guilty  
13 to count one, I adjudge you to be guilty of  
14 aggravated child abuse. You are placed on two  
15 years probation with the following special  
16 conditions: You are to enroll in and  
17 successfully complete an anger control or  
18 management program approved by the Department  
19 of Corrections; you are to enroll in and  
20 complete a parenting skills course approved by  
21 the Department of Corrections; you are to  
22 perform 100 hours of community service at a  
23 facility approved by the Department of  
24 Corrections or by the Court.

25 Was there a time limit on the

1 establishment of the educational savings  
2 account?

3 MR. WILLIS: Your Honor, I have those  
4 funds in my trust account as of today.

5 THE COURT: All right.

6 MR. WILLIS: And so once that account is  
7 established, we will fund it as we are  
8 directed.

9 THE COURT: All right. You are further  
10 ordered to contribute \$12,500 to the  
11 establishment or maintenance of an educational  
12 savings account for the benefit of Janie  
13 Utley. You are to pay \$341 in court costs.  
14 If all special conditions have been completed  
15 one year from today's date, you are authorized  
16 to apply either personally or through counsel  
17 for early termination of probation. If you  
18 believe this sentence to be illegal, you have  
19 30 days from today's date to commence an  
20 appeal. If you wish to prosecute an appeal  
21 but can't afford an attorney, I'll appoint one  
22 for you at no cost to you.

23 Do you understand that?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: All right. Is there anything

1 further we need to do?

2 MS. ROMMEL: Yes, Your Honor, as part of  
3 the negotiations, there is a statement that  
4 Ms. Tylski was going to read.

5 THE COURT: All right.

6 MR. WILLIS: May counsel have a moment?

7 THE COURT: Sure. Well, I'll point out  
8 that I have accepted the plea.

9 MR. WILLIS: Yes, sir.

10 THE COURT: I don't know what else.

11 MS. ROMMEL: Your Honor, this was a part  
12 of the negotiations.

13 MR. WILLIS: May we have a moment?

14 THE COURT: All right. Here's what we're  
15 going to do. I'm going to take ten minutes,  
16 till 2:30, and you-all sort out what, if  
17 anything else, we're going to do.

18 MR. WILLIS: Thank you, Judge.

19 THE COURT: And you're welcome to use the  
20 jury room if you wish.

21 MR. WILLIS: Thank you, sir.

22 THE COURT: We're in recess until 2:30.

23 (A short recess was had, after which the  
24 proceedings were resumed as follows:)

25 THE COURT: All right.

1           MR. WILLIS: Your Honor, if it please the  
2 Court, the controversy in all this, we  
3 expected counsel to read a statement as a  
4 factual basis, counsel expected we would read  
5 it. Ms. Utley (sic) will read it to satisfy  
6 the prosecution. Go ahead.

7           THE DEFENDANT: On or between October  
8 23rd, 2003 and March 9th, 2006, the defendant  
9 did maliciously punish Janie Tylski, a/k/a  
10 Janie Utley, a child under the age of 18, by  
11 acts which included the bending back of  
12 fingers and striking of the child.

13          THE COURT: All right. Thank you.

14          MR. WILLIS: And that's it.

15          THE COURT: All right. Does the State  
16 have an announcement.

17          MS. ROMMEL: Yes. As to counts three,  
18 four and five, the State will enter a nol pros  
19 code 30. Count two would be the count that  
20 will be diverted to PTI, sir.

21          THE COURT: All right. Mrs. Tylski, if  
22 you would step over to be fingerprinted.

23          Is there anything further to come before  
24 the Court?

25          MR. WILLIS: Your Honor, we don't have a

1       probation officer.

2               THE COURT: Can you give Mr. Willis the  
3 information, Madam Clerk? She can just report  
4 any day this week. We've got one day is just  
5 as good as the other. If she doesn't make it  
6 tomorrow, next week is fine.

7               MR. WILLIS: All right, sir.

8               THE COURT: And if you prefer, she can  
9 come back to court and see Mr. McMillian,  
10 whichever way you want to do it. You can  
11 either go to the office or come back one day  
12 next week.

13              MR. WILLIS: All right, sir. Thank you  
14 very much.

15              THE COURT: Mr. McMillian will not be  
16 here tomorrow.

17              Is there anything further to come before  
18 the Court?

19              MS. ROMMEL: No, sir.

20              MR. WILLIS: No, sir. Thank you.

21              THE COURT: All right. Court is  
22 adjourned until nine o'clock tomorrow morning.

23              MS. ROMMEL: Thank you, sir.

24              (The proceedings were concluded.)

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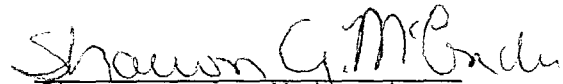
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STATE OF FLORIDA)  
COUNTY OF DUVAL )

I, Sharron Ann McLendon, certify that I was  
authorized to and did stenographically report the  
foregoing proceedings and that the transcript is a true  
and complete record of my stenographic notes.

DATED this 29th day of May, 2008.

  
Sharron A. McLendon  
Court Reporter